

Kramer Levin



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December 15, 2023

Via ECF

The Honorable Brian R. Martinotti, U.S.D.J.
United States District Court for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

Re: *State of New Jersey, v. United States Department of Transportation, et al.*,
Civil Action No.: 23-cv-03885

Dear Judge Martinotti:

We represent *amici curiae* Environmental Defense Fund, New York League of Conservation Voters, Tri-State Transportation Campaign, Riders Alliance, Open Plans, Real Estate Board of New York, New York Lawyers for the Public Interest, WE ACT for Environmental Justice, StreetsPAC, Transportation Alternatives, and New York Public Interest Research Group Fund (collectively, “*amici*”) in connection with the above-referenced matter. We respectfully request that Your Honor permit Andrew Otis, of Kramer Levin Naftalis & Frankel LLP, to appear *pro hac vice* on *amici*’s behalf.

In support of this request, we enclose the following documents: (1) Certification of Nathan Schwartzberg; (2) Certification of Andrew Otis with corresponding Certificate of Good Standing; and (3) a proposed form order. Thank you for your attention to this matter. If the Court has any questions, please do not hesitate to contact us.

Respectfully,

/s/ Nathan Schwartzberg
Nathan Schwartzberg

cc: All counsel of record (w/encl.) (via ECF)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

STATE OF NEW JERSEY,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, FEDERAL HIGHWAY
ADMINISTRATION, SHAILEN BHATT, in his official
capacity as Administrator of the Federal Highway
Administration, and RICHARD J. MARQUIS, in his
official capacity as Division Administrator of the New
York Division of the Federal Highway Administration,

Defendants.

Civil Action No. 23 Civ. 03885

Hon. Brian R. Martinotti

**CERTIFICATION OF NATHAN SCHWARTZBERG IN SUPPORT OF
PRO HAC VICE APPLICATION**

Nathan Schwartzberg, under penalty of perjury, declares:

1. I am admitted to practice law in the States of New Jersey and New York and am an Associate with Kramer Levin Naftalis & Frankel LLP, counsel for *amici curiae* Environmental Defense Fund, New York League of Conservation Voters, Tri-State Transportation Campaign, Riders Alliance, Open Plans, Real Estate Board of New York, New York Lawyers for the Public Interest, WE ACT for Environmental Justice, StreetsPAC, Transportation Alternatives, and New York Public Interest Research Group Fund (collectively, “*amici*”) in connection with this action. I submit this Certification in support of the *pro hac vice* admission of Andrew Otis, Esq., who is a Partner at Kramer Levin Naftalis & Frankel LLP, to appear *pro hac vice* as counsel for *amici*.

2. I am a member in good standing of the New Jersey Bar and the United States District Court for the District of New Jersey and am authorized to file through the Court's electronic filing system.

3. Mr. Otis is familiar with the facts of this action and has experience in the field of law relevant to this action.

4. As set forth in the accompanying Certification of Andrew Otis ("Otis Certification"), he is a member in good standing in the jurisdiction in which he has been admitted to practice. There are no disciplinary proceedings pending against Mr. Otis and no discipline has been imposed on him in any jurisdiction.

5. As set forth in the Otis Certification, in the event that he is admitted *pro hac vice* in this action, he will comply with all the requirements of L. Civ. R. 101.1.

6. Upon admission *pro hac vice* of Mr. Otis, I will continue to serve as counsel of record in this matter and will comply with all of the requirements of L. Civ. R. 101.1. As counsel of record, I will continue to be responsible for the conduct of Mr. Otis and I will continue to file all papers, enter appearances for parties, sign stipulations, and sign or receive payments on judgments, decrees, or orders.

7. For the foregoing reasons, I respectfully request that this Court enter an Order admitting Mr. Otis to appear *pro hac vice* before this Court for all further proceedings in this matter.

8. I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 15, 2023
New York, New York

Respectfully submitted,

By: /s/ Nathan Schwartzberg
Nathan Schwartzberg (N.J. 157932015)
nschwartzberg@KRAMERLEVIN.com

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*Attorneys for Amici Curiae Environmental Defense
Fund, New York League of Conservation Voters,
Tri-State Transportation Campaign, Riders
Alliance, Open Plans, Real Estate Board of New
York, New York Lawyers for the Public Interest, WE
ACT for Environmental Justice, StreetsPAC,
Transportation Alternatives, and New York Public
Interest Research Group Fund*

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

STATE OF NEW JERSEY,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
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ADMINISTRATION, SHAILEN BHATT, in his official
capacity as Administrator of the Federal Highway
Administration, and RICHARD J. MARQUIS, in his
official capacity as Division Administrator of the New
York Division of the Federal Highway Administration,

Defendants.

Civil Action No. 23 Civ. 03885

Hon. Brian R. Martinotti

CERTIFICATION OF ANDREW OTIS IN SUPPORT OF
PRO HAC VICE APPLICATION

Andrew Otis, under penalty of perjury, declares:

1. I am admitted to practice law in the State of New York and am a Partner at the firm Kramer Levin Naftalis & Frankel LLP. I submit this Certification in support of *amici curiae* Environmental Defense Fund, New York League of Conservation Voters, Tri-State Transportation Campaign, Riders Alliance, Open Plans, Real Estate Board of New York, New York Lawyers for the Public Interest, WE ACT for Environmental Justice, StreetsPAC, Transportation Alternatives, and New York Public Interest Research Group Fund's (collectively, "*amici*") application for my own admission *pro hac vice*.

2. My contact information is as follows:

Andrew Otis
Kramer Levin Naftalis & Frankel LLP

1177 Avenue of the Americas
New York, NY 10036
Phone: 212-715-9100
Fax: 212-715-8000
AOTis@KRAMERLEVIN.com

3. I am a duly licensed attorney and a member in good standing of the bar of the State of New York, where I was admitted to practice on February 23, 1999. Attached hereto as **Exhibit A** is a certificate of good standing with the State Bar of New York.

4. There are no pending disciplinary matters against me in any jurisdiction, nor has discipline been previously imposed upon me in any jurisdiction or court.

5. I am not currently disbarred or suspended in any jurisdiction or court.

6. If admitted *pro hac vice*, I will comply with all the requirements of L. Civ. R. 101.1, including: (i) making payment to the New Jersey Lawyers' Fund for Client Protection as provided by R. 1.28-2(a); (ii) making payment of \$150.00 to the Clerk of the United States District Court for the District of New Jersey; and (iii) strictly observing the dates fixed for all proceedings in this matter.

7. If admitted *pro hac vice*, I understand and acknowledge that I will be within the disciplinary jurisdiction of this Court.

8. I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 15, 2023
New York, New York

Respectfully submitted,

By: _____

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EXHIBIT A



*Appellate Division of the Supreme Court
of the State of New York
Third Judicial Department*

I, Robert D. Mayberger, Clerk of the Appellate Division of the Supreme Court of the State of New York, Third Judicial Department, do hereby certify that

Andrew Donald Otis

was duly licensed and admitted to practice as an Attorney and Counselor at Law in all the courts of this State on February 23, 1999, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counselors at Law on file in this office, is duly registered with the Office of Court Administration, and according to the records of this Court is currently in good standing as an Attorney and Counselor-at-Law.



*In Witness Whereof, I have hereunto set
my hand in the City of Albany on
December 6, 2023.*

Robert D Mayberger

Clerk of the Court



*State of New York
Supreme Court, Appellate Division
Third Judicial Department
Admissions Office
P.O. Box 7350, Capitol Station
Albany, NY 12224-0350*

*Robert D. Mayberger
Clerk of the Court*

*AD3AdmissionsOffice@nycourts.gov
<http://www.nycourts.gov/ad3/admissions>
(518) 471-4778*

*Anthony A. Moore
Director of Attorney
Admissions*

To Whom It May Concern:

An attorney admitted to practice by this Court may request a certificate of good standing, which is the only official document this Court issues certifying to an attorney's admission and good standing.

An attorney's registration status, date of admission and disciplinary history may be viewed through the attorney search feature on [the website of the Unified Court System](#).

New York State does not register attorneys as active or inactive.

An attorney may request a disciplinary history letter from the [Attorney Grievance Committee of the Third Judicial Department](#).

Bar examination history is available from the [New York State Board of Law Examiners](#).

Instructions, forms and links are available on [this Court's website](#).

Robert D. Mayberger
Clerk of the Court

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

STATE OF NEW JERSEY,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, FEDERAL HIGHWAY
ADMINISTRATION, SHAILEN BHATT, in his official
capacity as Administrator of the Federal Highway
Administration, and RICHARD J. MARQUIS, in his
official capacity as Division Administrator of the New
York Division of the Federal Highway Administration,

Defendants.

Civil Action No. 23 Civ. 03885

Hon. Brian R. Martinotti

**[PROPOSED]
ORDER GRANTING *PRO HAC VICE* ADMISSION**

This matter having come before the Court on the application of Kramer Levin Naftalis & Frankel LLP, attorneys for *amici curiae* Environmental Defense Fund, New York League of Conservation Voters, Tri-State Transportation Campaign, Riders Alliance, Open Plans, Real Estate Board of New York, New York Lawyers for the Public Interest, WE ACT for Environmental Justice, StreetsPAC, Transportation Alternatives, and New York Public Interest Research Group Fund (collectively, “*amici*”), for the admission of Andrew Otis, Esq., of Kramer Levin Naftalis & Frankel LLP, to appear *pro hac vice* on *amici*’s behalf pursuant to L. Civ. R. 101.1(c); with all parties consenting and the Court having considered the Certifications of Nathan Schwartzberg, Esq. and Andrew Otis, Esq., in accompaniment to the application and in satisfaction of the requirements set forth in L. Civ. R. 101.1(c)(1), and for good cause shown,

IT IS HEREBY ORDERED:

- (1) Andrew Otis, Esq., of Kramer Levin Naftalis & Frankel LLP, is hereby granted admission *pro hac vice* to appear in this matter on behalf of *amici* in the same manner as attorneys authorized to practice law in this State; and it is further
- (2) **ORDERED** that all pleadings, briefs, and other papers filed with the Court shall be signed by Nathan Schwartzberg, Esq., attorney of record for *amici*, or by such other attorney who may appear as counsel of record for *amici*, who shall be responsible for the submission of the case and the attorneys admitted hereby; and it is further
- (3) **ORDERED** that, in accordance with Local Civil Rule 101.1(c)(2), Andrew Otis, Esq. shall pay the annual fee to the New Jersey Lawyers' Fund for Client Protection; and it is further
- (4) **ORDERED** that, in accordance with Local Civil Rule 101.1(c)(3), Andrew Otis, Esq. shall pay \$150.00 to the Clerk of the United States District Court for the District of New Jersey for admission *pro hac vice*; and it is further
- (5) **ORDERED** that, in accordance with Local Civil Rule 101.1(c)(3), Andrew Otis, Esq. shall be bound by the Rules of the United States District Court for the District of New Jersey, including all disciplinary rules.

This order is effective immediately.

Dated:

Entered:

The Honorable Brian R. Martinotti
United States District Judge
For the District of New Jersey